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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TANG, KENNETH	

ART UNIT	PAPER NUMBER
2195	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/698,729	CAMP ET AL.	
	Examiner	Art Unit	
	Kenneth Tang	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Amendment on 5/23/07. Applicant's arguments were fully considered but were not found to be persuasive.

2. Claims 1-21 are presented for examination.

Response to Arguments

3. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

4. Applicant's amendment has overcome the rejections based on 35 USC 112, 2nd paragraph.

5. *Applicant argues on page 7 of the Remarks that the Li reference has little in common with Applicants' method.*

In response, the Examiner respectfully disagrees. Li teaches executing a computer application program, which is equivalent to processing a batch job.

6. Applicant argues on page 8 of the Remarks that Li does not teach the operation of a "batch job." In the Remarks on page 6, the Applicant points out the definition of a "batch job" is in the Specification on page 1, lines 9-14.

In response, the broadest reasonable interpretation of the claimed batch job in view of the Specification is merely a computer software application. An interpretation of a computer software application does not contradict the definition of the Specification. Li teaches a batch job because Li discloses application 170 (see Fig. 4).

7. Applicant argues on page 8 of the Remarks that Li does not teach "wrapping a batch job".

However, Applicant does admit (last paragraph of page 8 through the first paragraph of page 9) that Li teaches a wrapper for external applications. Since the external applications are considered to be batch jobs (according to the Applicant's specification), Li teaches wrapping a batch job.

8. Applicant argues on page 9 that Li does not use a wrapper to "create an application programming interface" to a "batch job" or otherwise, but instead, Li uses a standard class loader API as an interface between each JVM and the operating system.

In response, wrapping the application program for communication is the creation of an application programming interface, according to the claims.

9. Applicant argues on page 9 that Li does not teach the execution of a batch framework according to a predetermined schedule.

In response, col. 7, lines 42-65 and col. 5, line 64 to col. 6, line 2 teach the batch framework according to a predetermined schedule. These citations read on the limitations of claim 1.

10. Applicant argues on page 10, last paragraph, of the Remarks that the rejection of independent claim 1 fails to make a prima facie case of obviousness.

In response, claim 1 was rejected under 35 USC 102, not 35 USC 103.

11. Applicant argues on page 10 of the Remarks that the Examiner has not shown the desirability of any combination or modification of Li or Swartz.

In response, the Examiner stated that Autosys will provide the predicted result of job management for the scheduling. The desirability is for receiving job management for the scheduling.

12. Applicant argues on page 11 of the Remarks that there is no motivation to combine Li and Swartz because Li does not teach a scheduler.

As already shown before, Li teaches the scheduler on col. 7, lines 42-65 and col. 5, line 64 to col. 6, line 2.

13. Applicant argues on page 12 that Swartz does not teach scripts or batch files, nor is there any mention of batch scheduling.

However, the UNIX and NT Operating Systems were cited because they read on the limitation of having scripts, batch files and are known to be capable of batch/program scheduling.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-3 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Li (US 6,519,594 B1).

15. As to claim 1, Li teaches a process for processing a batch job (program or Application, as defined in Specification, page 1 – taught in Li, col. 4, lines 48-57, etc.), comprising:

wrapping (Wrapper, Dispatcher, API and Java Native Interface is used in the communication) (col. 6, lines 33-50) the batch job to create an application programming interface (API) for communication with a batch framework (JavaLayer Framework) (col. 6, lines 32-58, col. 7, lines 60-65, col. 9, lines 5-15), the batch framework (Java Layer framework)

comprising a batch dispatcher class (Dispatcher class 145), and the batch dispatcher class further comprising a method to execute the batch job (applications) (col. 11, lines 1-10 and 40-57); and

16. invoking the batch framework according to a predetermined schedule via execution of a command line parameter (col. 7, lines 42-65, col. 5, lines 64-67 through col. 6, lines 1-2), wherein the method provides for efficient reuse of programming code and platform independence (Java) by encapsulating (from the wrapping of the Wrapper) the batch job and providing a uniform application programming interface for an application processing the batch job according to the method (col. 6, lines 17-50, col. 1, liens 39-51, col. 3, lines 1-11, col. 7, lines 60-65, col. 9, lines 5-15).

17. As to claim 2, Li teaches the process of claim 1 wherein the batch job resides locally with the batch framework (JavaLayer 160 allows various coexisting applications to share resource) (col. 4, lines 40-45).

18. As to claim 3, Li teaches the process of claim 1 wherein the batch job resides remotely from the batch framework (col. 6, lines 6-8, col. 4, lines 20-23).

19. As to claim 19, Li teaches a batch framework that is a JAVA framework involving classes and an API (col. 9, lines 5-15, col. 7, lines 1-12).

20. As to claim 20, Li teaches wherein the application programming interface for communication with the batch framework is a Java application programming interface (col. 14, lines 61-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 4-6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentbale by Li (US 6,519,594 B1).

22. As to claims 4-6, Li teaches the process of claim 1 wherein the batch framework is invoked by a scheduler (col. 7, lines 42-50). Li is silent that there is a service performed in relation to the scheduler. However, one of ordinary skill in the art would have known to use the scheduler in providing a service because it would benefit it would improve task management of the service, if the scheduler is used.

23. As to claim 21, Li teaches wherein the command line parameter comprises a class name (col. 10, lines 51-59). Li is silent in having a method name and one or more method parameters in the command line parameter. However, it would be obvious to one of ordinary skill in the art to include a method name and one or more method parameters in the command line parameter

because the method name and parameters are included in the class and are needed in order to specifically identify contents in the class.

24. **Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,519,594 B1) in view of Swartz et al. (hereinafter Swartz) (US 6,625,651 B1).**

25. As to claims 7-8, Li is silent in teaching the process wherein the scheduling service is AutoSys. However, Swartz discloses processing a batch job using Autosys *(col. 20, lines 56-62)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of Autosys to the invention of Li because Autosys will provide for job management for the scheduling.

26. As to claim 9, Swartz teaches the process of claim 8 wherein the command line parameter is a Unix shell script *(col. 4, line 52)*.

27. As to claim 10, Swartz teaches the process of claim 8 wherein the command line parameter is a Windows NT batch file *(col. 4, line 50)*.

28. As to claims 11-12, it is rejected for the same reasons as stated in the rejections of claims 7-8.

29. As to claim 13, it is rejected for the same reasons as stated in the rejections of claim 9.

30. As to claim 14, it is rejected for the same reasons as stated in the rejections of claim 10.

31. As to claims 15-16, it is rejected for the same reasons as stated in the rejections of claims 7-8.

32. As to claim 17, it is rejected for the same reasons as stated in the rejections of claim 9.

33.

34. As to claim 18, it is rejected for the same reasons as stated in the rejections of claim 10.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kt
8/3/07

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER